

**REMARKS**

**Summary Of The Office Action**

Claims 1 and 3-7 are all the claims pending in the application. By this Amendment, Applicant is amending claim 1 and adding new claims 24 and 25.<sup>1</sup> No new matter is added.

Submitted herewith is a Petition For Extension Of Time with fee.

The rejections based on art are summarized as follows:

1. Claims 1 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bourdon (US 2,493,614) and further in view of Kohno et al. (US 5,968,295) and either one of Kabe (US 4,711,286) or Suzuki (US 4,086,948).

2. Claims 1 and 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Farnsworth (GB 1,483,053) and further in view of Kohno.

3. Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either one of (a) Bourdon, Kohno, Kabe, and Suzuki or (b) Farnsworth and Kohno as applied in claim 1 above and further in view of Okamoto (US 5,779,828).

4. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either one of (a) Bourdon, Kohno, Kabe, and Suzuki or (b) Farnsworth and Kohno as applied in claim 1 above and further in view of Imamura (US 3,913,652).

Applicant respectfully traverses.

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<sup>1</sup> Claims 8-23 were canceled in Applicant's response of January 16, 2001.

**Claim Rejections Under 35 U.S.C. § 103**

The Examiner has withdrawn the rejection of the claims in view of Ishiguro (JP 04-163209) in view of Applicant's last Amendment. However, as apparent from the above summary, the Examiner has otherwise maintained the same grounds of rejection as set forth in the previous Office Action.

The two primary references upon which the Examiner relies, in the alternative, to reject independent claim 1 are Bourdon and Farnsworth.

With respect to Bourdon, Applicant argued and maintains that this reference does not recognize the two important features attributable to the outermost layer and the compression modulus of the coating rubber for this layer that is achieved by the structure of present invention: (1) propping the cross cord layer (consisting of innermost cord layer and middle cord layer) and (2) producing cornering power of a higher order. *See* Amendment of August 1, 2003 at page 5. In Kohno et al., the tension in the circumferential direction is borne by the outermost layer, which is not the case in the present invention. *See* Amendment of August 1, 2003 at page 6.

In response to this argument, the Examiner takes the position that an unrecognized advantage of a claimed structure is not a basis for patentability if the advantage would inherently flow from the prior art structure (or modified prior art structure). *See* Office Action at page 9. In this regard, the Examiner also takes the position that the feature of using a coating rubber for the cords of the outermost cord layer that has a compression modulus of not less than  $200 \text{ kgf/cm}^2$  is taught by Kohno et al. as being generally desirable. Specifically, the Examiner argues that Kohno et al. suggests that the foregoing coating rubber property eliminates movement of the

cords and reduces buckling, and that one skilled in the art would have understood that this benefit would be realized in the tire of Bourbon if so modified. Therefore, the Examiner concludes that the modification is suggested by the applied references.

Applicant respectfully disagrees and submits that the Examiner has not given proper weight to Applicant's argument regarding the important differences involving which layers bear the greatest tension in the tire. Nonetheless, Applicant is amending claim 1 to further recite that the outermost cord layer has a width equal to or wider than a width of the middle cord layer. This feature is clearly supported by the belt structure of Fig. 8 and the description at pages 22-23 of Applicant's specification.

As explained by the Applicant at pages 22-23, the cut resistance and the separation resistance is improved by the unique belt structure in which the outermost cord layer has a width equal to or wider than a width of the middle cord layer as shown in Fig. 8. None of the applied references even hints at such a structure, and, therefore, the advantages of Applicant's recited structure cannot not be obtained using the pneumatic radial tires disclosed in the applied art whether taken individually or in combination.

Applicant is also adding new claim 24, which recites that the cords of an outermost cord layer have an inclination angle of not less than 45° and less than 90° with respect to the equatorial plane as measured in the same direction as in the cords of the middle cord layer. Claim 24, therefore, requires the cords of the outer cord layer and the cords of the middle cord layer to be inclined in the same direction and clearly distinguishes over the prior art, including Farnsworth.

Claim 25 depends from claim 24 and recites that the outermost cord layer has a width equal to or wider than a width of the middle cord layer.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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